IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 2.9.2008

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.1084 of 2001

1. Mr.R.Kathirvel Mudaliar
2. Mr.K.Jayaprakash Narayan
3. Mr.K.Gnanamani
4. Mr.K.Sundaramurthy
5. Mrs.Valliammal

(1 to 5 residing at
Mugalivakkam Village
Sriperumpudur Taluk
Chengalpet District

6. Mrs.Vijaya

(1 to 6 represented by power
of Attorney Mr.S.Devarajulu
vide document No.79/92
dated 24.2.1992)

7. Mr.S.Arunagiri Mudaliar
8. Mrs.Pachaiyammal
9. Mrs.Poongavanam

(7 to 9 residing at Mugalivakkam
village, Sriperumpudur Taluk
Chengalpet District and
represented by Power of Attorney
Mr.S.Devarajulu vide registered
Power of Attorney dated 6.7.1994
document No.196/94)

10. Mr.P.M.Balakrishnan
(represented by power of
Attorney Mr.S.Devarajulu
vide registered power of
Attorney dated 27.2.1991
document No.539/91)

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11. Mrs.Lakshmi

12. Mrs.B.Vijaya
13. Mr.T.Venkatesan
    (11 to 13 residing at Mugalivakkam
     village, Sriperumpudur Taluk
     Chengalpet District and represented
     by power of Attorney Mr.S.Devarajulu
     vide registered power of Attorney
     dated 1.11.1991 document No.331/91)

14. Mrs.K.Dhanalakshmi Ammal @ K.Peyapalayathammal

15. Mr.Sadasivam

16. Ms.G.Kalaiselvi

17. Mr.S.Saravanakumar

18. Ms.S.Sujatha

    (14 to 18 residing at 220
     Subramania Swami Koil Street
     Mugalivakkam village, Porur
     Chennai 600 116 and represented
     by Power of Attorney
     Mr.S.Devarajulu vide
     registered power of Attorney
     dated 11.5.1992 document No.161/92)

19. S.Venkatesan
    (represented by power of Attorney
     Mr.S.Devarajulu vide registered
     Power of Attorney dated 30.10.92
     document No.2018/92)

20. Mrs.N.Lakshmi
    (represented by power of Attorney
     Mr.S.Devarajulu vide registered
     Power of Attorney dated 10.11.92
     document No.2020 of 1992)

21. Mr.A.Kannabiran

22. Ms.K.Manickammal

23. Ms.K.Muniammal

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24. Ms.K.Vijayalakshmi

25. Ms.K.Gunammal

(21 to 25 residing at
Mugalivakkam village,
Sriperumpudur Taluk
Chengalpet District
represented by Power of Attorney
Mr.S.Devarajulu vide registered
Power of Attorney dated 27.7.92
document No.235/92)

26. Mr.M.Chandran
(represented by power of Attorney
Mr.S.Devarajulu vide registered
Power of Attorney dated 14.2.1992
document No.65 of 1992)

27. Mr.S.Vinayagam

28. Mrs.V.Thilagavathi

29. Mr.Jothilingam
s/o.S.Vinayagam
Minor rep. by father

30. Ms.V.Jothi Malar, Minor
d/o.S.Vinayagam
rep. by father

31. Ms.V.Jothi Mohana Minor
d/o.S.Vinayagam
rep. by father

(27 to 31 residing at No.2/65
Subramaniar Koil Street
Mugalivakkam Village
Chennai 600 116 and represented
by Power of Attorney Mr.S.Devarajulu
vide registered Power of Attorney
dated 18.9.1995 document No.371/95)

32. Mr.S.Seetharaman

33. Mrs.Muthammal

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34. Ms.Jayashree

35. Mr.S.Kumar, Minor
S/o.Mr.Seetharaman
rep. by father

36. Mr.S.Balaji Minor
S/o.Mr.Seetharaman
rep. by father

(32 to 36 residing at
Mugalivakkam Village
Sriperumpudur Taluk
Chengalpet District
and represented by power
of Attorney Mr.S.Devarajulu
vide registered power of Attorney
dated 16.11.1992 document No.332/92)

37. Mrs.T.Hemavathy Ammal
(represented by Power of Attorney
Mr.S.Devarajulu vide registered
Power of Attorney dated 9.12.1991
document No.365/91)

38. Mrs.Maragadammal

39. Mr.N.Sundaramurthy

40. Mr.N.Sivaprakasam

41. Mrs.Deivarani

42. Mrs.S.Selvarani

(38 to 42 represented by
power of Attorney
Mr.S.Devarajulu vide
registered Power of Attorney
dated 7.6.93 document No.157/93)

43. Mrs.Saroja
(represented by power of Attorney
Mr.S.Devarajulu vide registered
power of attorney dated 17.2.1992
document No.67/92)

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44. Mr.Murugesa Mudaliar

45. Mr.M.Mohana Sundaram

46. Mr.M.Haridoss

47. Mr.M.Udayakumar

48. Smt.Shanthi

49. Smt.Usha

(44 to 49 rep. by power of Attorney Mr.S.Devarajulu vide registered power of attorney dated 31.3.1997 document No.189/97)

50. Mrs.M.Krishnaveni Ammal
(represented by power of attorney Mr.S.Devarajulu vide registered power of attorney dated 18.2.1994 document No.32/94)

51. Mr.A.Govindaraja Mudaliar

52. Mrs.G.Chandra

53. Mr.G.Ganesan

54. Ms.G.Archana, Minor
D/o.Mr.G.Ganesan
rep. by her father

55. Mr.G.Ravindran

56. Ms.R.Aparna, Minor
D/o Mr.G.Ravindran
rep. by her father

57. R.Avinash, Minor
s/o Mr.G.Ravindran
rep. by his father

58. Mr.G.Suresh

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59. Mr.G.Baskar

(51 to 59 residing at Plot No.4
Venkateswara Avenue, Sabari Nagar
Porur, Chennai - 600 116 and
represented by Power of Attorney
Mr.S.Devarajulu vide registered
Power of Attorney dated 25.2.1994
document No.47 of 1994)

60. Mrs.M.Dakshayani

61. Mrs.K.Ponnammal

62. Mrs.P.Eswari

(60 to 62 residing at
Mugalivakkam Village
Sriperumpudur Taluk
Chenglepet District and
represented by Power of Attorney
Mr.S.Devarajulu vide registered
by Power of Attorney dated 30.3.1992
document No.125 of 1992)

63. Mr.S.Kumaraswamy Mudaliar

64. Mr.K.Haridoss

(63 to 64 residing at
No.2/37, S.S.Koil Street
Mugalivakkam Village
Sriperumpudur Taluk
Chenglepet District and
represented by Power of Attorney
Mr.S.Devarajulu vide document
No.196/92, dated 10.6.1992) .. Petitioners

Vs.

Chennai Metropolitan Development
Authority, rep. by its
Member Secretary
No.8, Gandhi Irwin Road
Egmore, Chennai-600 008 .. Respondent

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This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings dated 14.2.2000 of the respondent made in L1/31668/99, quash the same and direct the respondent herein to convert the existing EWS Plots as regular plot in the approved plans No.PPD/LO/No.131/93 of Mugalivakkam Village, pertaining to properties of the petitioners herein.

For petitioner : Mr.S.Murugaian
For Respondents : Mr.C.Kathiravan

O R D E R

The writ petition has been filed by the petitioners praying for a writ of Certiorarified Mandamus to call for the records relating to the proceedings of the respondent, dated 14.2.2000, made in L1/31668/99, quash the same and direct the respondent to convert the existing Economically Weaker Sections Plots as regular Plots, in the approved plan No.PPD/LO/No.131/93 of Mugalivakkam Village, pertaining to the properties of the petitioners.

2. The main contention of the learned counsel appearing for the petitioner is that the petitioners had made a representation, dated 3.12.1999, to the respondent to reconvert the Plots allotted to the Economically Weaker Sections as regular Plots in the approved plans.

3. However, the respondent, by a letter, dated 14.2.2000 made in L1/31668/99, had stated that the request of the petitioners had been rejected, since the authority has resolved that the reservation of the Economically Weaker Sections plots has to be continued. No reason has been given in the said communication of the respondent, dated 14.2.2000.

4. The main grievance of the petitioners, as submitted by the learned counsel appearing for the petitioners, is that the impugned communication does not contain any reason for the rejection of the representation of the petitioners.

5. The learned counsel appearing for the respondent had stated that the reservation of the Plots for the Economically Weaker Sections is a policy decision of the respondent and therefore, the representation of the petitioners had been rejected.

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6. At the stage of the hearing of the writ petition, the learned counsel appearing for the petitioners had submitted that it would suffice if the petitioners are permitted to make a fresh representation to the respondent, with regard to the reliefs sought for in the writ petition and if the respondent is directed to dispose of the same, on merits, within a specified time.

7. The learned counsel appearing for the respondent has no objection for this Court passing such an order.

8. In view of the submissions made by the learned counsels appearing for the parties concerned, the petitioners are permitted to make a representation to the respondent, with regard to the reliefs sought for in the writ petition, within a period of four weeks from today, and on such representation being submitted, the respondent is directed to pass appropriate orders thereon, on merits and in accordance with law, within a period of twelve weeks thereafter.

9. With the above directions, the writ petition stands disposed of. No costs.

lan

Sd/-
Assistant Registrar

/ True Copy /

Sub. Assistant Registrar

To:

The Member Secretary
Chennai Metropolitan Development
Authority,
No.8, Gandhi Irwin Road
Egmore, Chennai-600 008

1 cc to Mr.C.Kathiravan, Advocate, SR.49698
1 cc to Mr.S.Murugaian, Advocate, SR.50005

rl (co)

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